

1 THE HONORABLE JOHN C. COUGHENOUR
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 UNITED STATES OF AMERICA;

11 Plaintiff;

12 v.

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14 THE REAL PROPERTY COMMONLY
15 KNOWN AS 101 WEST HERMOSA DRIVE,
16 SAN GABRIEL, CALIFORNIA 91775, LOS
17 ANGELES COUNTY, PARCEL NO.
18 536021022, TITLED IN THE NAME OF DEK
19 GROUP, LLC;

20 ALL FUNDS CONTAINED IN WELLS
21 FARGO BANK ACCOUNT NUMBER
22 XXXXXX4582, HELD IN THE NAME OF
23 BRIAN K. BURNETT;

24 AND

25 ALL FUNDS CONTAINED IN BANK OF
26 AMERICA ACCOUNT NUMBER
XXXXXXX9392, HELD IN THE NAME OF
DEK GROUP, LLC;

27
28 Defendants.

10 CASE NO. C17-1138-JCC

11 ORDER

25 This matter comes before the Court on the Government's status report (Dkt. No. 17). The
26 Court previously stayed all proceedings in the civil forfeiture case because the Government was

1 prosecuting a related criminal case before the Court. *See United States of America v. Alexandra*
2 *Shelburne, et al.*, CR17-0203-JCC, Dkt. No. 1 (W.D. Wash. 2017). The Court concluded that the
3 civil and criminal cases were sufficiently related and that civil discovery would adversely affect
4 the Government's ability to investigate and prosecute the criminal case. (Dkt. No. 15 at 3) (citing
5 18 U.S.C. § 981(g)(1)). The Court granted a stay for six months and ordered the Government to
6 file a status report regarding the criminal case. (*Id.*)

7 In its status report, the Government notes that the criminal case is ongoing. (Dkt. No. 17
8 at 2.) Some, but not all, of the Defendants have pled guilty. (*Id.* at 2–3.) The Government is
9 continuing to prosecute individuals who may claim ownership to the properties at issue in this
10 civil forfeiture action. (*Id.* at 4.) Therefore, the Government asks the Court to continue the
11 current stay for an additional six months. (*Id.*)

12 The Court concludes that it is appropriate to continue its stay of proceedings. The
13 Government continues to investigate and prosecute the related criminal case. The Government
14 seeks forfeiture of some of the same assets named in the civil action. *Shelburne, et al.*, CR17-
15 0203-JCC, Dkt. No. 48 at 15–17; (Dkt. No. 1 at 55–59.) Trial of the remaining defendants in the
16 criminal case is scheduled for August 13, 2018. (*Id.* at 3.) The Court finds that allowing civil
17 discovery in this case would adversely affect the government's ongoing investigation and
18 prosecution in the criminal case. 18 U.S.C. § 981(g)(1).

19 All proceedings in this matter remain STAYED until the related criminal case, *United*
20 *States v. Shelburne, et al.*, CR17-0203-JCC, is resolved, either through a verdict or guilty pleas.
21 The United States is DIRECTED to file a status report in six months from the date of this order.

22 DATED this 27th day of April 2018.

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John C. Coughenour
UNITED STATES DISTRICT JUDGE